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ATTORNEY DOCKET NO. 08146.0016U1
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
 NIKLAS, et al.) Art Unit: 3729
)
 Application No. 10/589,429) Examiner: Carl J. Arbes
)
 Filing Date: November 3, 2006) Confirmation No.: 9454
)
 For: DEVICE FOR INSPECTING AND)
 ROTATING ELECTRONIC)
 COMPONENTS)

TRANSMITTAL LETTER

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

May 30, 2008

Sir:

Transmitted herewith is the following in the above-identified application:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Election Under Restriction Requirement | <input type="checkbox"/> Petition to Extend Time |
| <input type="checkbox"/> Fee as calculated below | <input type="checkbox"/> Supplemental Declaration |
| <input checked="" type="checkbox"/> No Additional Fee Required | <input type="checkbox"/> Terminal Disclaimer |
| <input type="checkbox"/> Request to Correct Filing Receipt | <input type="checkbox"/> Other _____ |

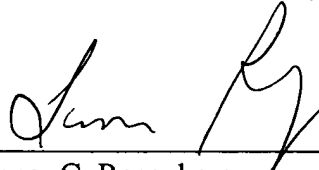
CLAIMS AS AMENDED							
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims						X \$50.00	\$0.00
Independent Claims						X \$210.00	\$0.00
<input type="checkbox"/> First Presentation of a Multiple Dependent Claim						+ \$370.00	\$0.00
EXTENSION FEE	1 st Month \$120 <input type="checkbox"/>	2 nd Month \$460 <input type="checkbox"/>	3 rd Month \$1050 <input type="checkbox"/>	4 th Month \$1640 <input type="checkbox"/>	5 th Month \$2230 <input type="checkbox"/>		\$0.00
<input type="checkbox"/> Reduction by ½ for filing by SMALL ENTITY (Note 37 C.F.R. §1.9, §1.27, §1.28) -							- \$0.00
TOTAL FEE DUE							\$0.00

Payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Payment by credit card in the amount of \$0.00 for the fees designated below. (Form PTO-2038 enclosed).
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
- ☐ The Commissioner is authorized to charge our Deposit Account No. 14-0629 in the amount of \$0.00 to cover the above-listed additional fees. A duplicate copy of this transmittal is enclosed.
- ☒ In the event of an overpayment or improper payment of a required fee, the Commissioner is authorized to charge or credit our Deposit Account No. 14-0629 as required to correct the error.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



Sumner C. Rosenberg
Registration No. 28,753

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.


Beverly Hopkins

May 30, 2008
Date



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
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NIKLAS, et al.)	Art Unit: 3729
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Application No. 10/589,429)	Examiner: Arbes, Carl J.
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Filing Date: November 3, 2006)	Confirmation No.: 9454
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For: DEVICE FOR INSPECTING AND)	
ROTATING ELECTRONIC)	
COMPONENTS)	

ELECTION UNDER RESTRICTION REQUIREMENT

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C
Customer No. 23859

May 30, 2008

Sir:

This communication is responsive to the Office Action mailed April 30, 2008.

The Examiner has restricted the application and has required an election of one of the following Groups:

Group I. Claims 1-6, drawn to a device for checking and rotating electronic components; and

Group II. Claims 7-10, drawn to a method for checking and rotating electronic components.

See Office Action, at page 2.

Applicants provisionally elect Group I, with traverse, and, accordingly, provisionally elect claims 1-6.

This restriction is traversed for two reasons. First, the Examiner cites PCT Rule 13.1 in support of his position that the application contains inventions not so linked as to form a single inventive concept. However, Rule 13.2 states:

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression “special technical features” shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Applicants believe that claims 1 and 7 do share at least one “special technical feature” in that each claim recited a “through opening” in the “pivoting part,” which is an important common inventive feature.

Second, MPEP 803 provides: “If the search and examination of all the claims in an application can be made without serious burden, the Examiner must examine them on the merits, even though they include claims to independent or distinct inventions.” It is respectfully submitted that claims 1 and 7 are so closely related in terms of subject matter that it would not be a serious burden for the Examiner to search both claims in the same examination. That the claims are related as device and method should not predetermine that they are such distinct inventions that a restriction is justified.

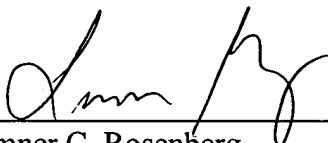
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APPLICATION NO. 10/589,429

Thus, it is respectfully requested that the Examiner withdraw the present restriction requirement and move forward with examination of all claims.

No fee is believed due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

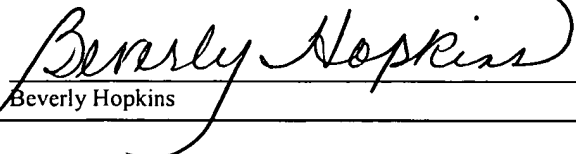
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Beverly Hopkins

May 30, 2008
Date